

FAUQUIER COUNTY  
PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE  
MEETING  
February 7, 2005  
9:00 AM  
Virginia Cooperative Extension Office, 24 Pelham Street, Warrenton, VA  
20186

MINUTES

1. Call to Order

Chairman Schied called the meeting to order at 9:05.

Board Members Present:

John Schied, Chairman  
Ike Broaddus, Vice Chairman  
Leslie Grayson  
Roger Martella

Board Members Absent:

Don Huffman

Others Present:

Ray Pickering, Agricultural Development Officer  
Keith Dickinson  
Cheryl Chumley of the Fauquier Times-Democrat  
Mark Sypher of the Fauquier Times-Democrat  
Scottie Heffner, PDR Program Assistant

2. Approval of December 20, 2004 Minutes

- a. Ike Broaddus moved to approve the December 20, 2004 Minutes as dispersed. Roger Martella seconded and the motion carried.

3. Review Status of First Round Applicants

- a. Ray Pickering reviewed the status of the first round applicants recently settled. Ken Smith's Cool Lawn Farms easement settled December 29, 2004
- b. Unresolved issues in connection with C. L. (Boots) Ritchie's first round easement have kept this from progressing toward settlement.

4. Review Status of Second Round (ODEC) Applicants:

- a. Morgan Ott, III's easement settled January 21, 2005
- b. Wilbur Ritchie's easement is scheduled to settle February 11, 2005
- c. Brock Price's easement is progressing to the point of settlement later in February.

- d. C. L. (Boots) Ritchie's second round easement should move quickly to settlement after Brock Price.
- e. Claude Chapman has had some legal issues arise and has asked to delay moving forward for 90 days.

5. Third Round Applicants

- a. The following factors were identified as issues that slow the process of settlement and should be dealt with if possible in the third round:
  - i. Complications with title
  - ii. Landowner's change in original plan
    - 1. A Landowner's Commitment Letter which Ray Pickering developed would help solidify major points of the easement agreement before title work is ordered.
- b. The cost of legal work is a concern that could be remedied by the following possibilities:
  - i. Having an attorney offer legal assistance on a pro bono basis.
  - ii. Having an attorney available at a workshop meeting to also include an accountant who could advise about Federal tax deductions and State tax credits connected with conservation easements.
  - iii. Landowners could take out a loan for the costs to be repaid by the tax credit (if not paid out of proceeds at settlement).
- c. Understanding the legal and tax issues could be explained at a workshop to include an accountant and a lawyer who would be willing to work with landowners on PDR easements.
- d. New Applicants
  - i. Two applications were received by the January 31, 2005 Third Round application deadline. Both were from southern Fauquier County.
  - ii. The possibility of extending the deadline was discussed. Since funds are available for additional applicants, some options are to:
    - 1. Open the next round earlier than usual.
    - 2. Extend the application deadline to mid-March since the period of October to March is a time when landowners are typically not as busy with their actual farming operation.
    - 3. Roger Martella moved that the application deadline be extended to March 18, 2005. Ike Broaddus seconded and the motion carried.
    - 4. Ray Pickering suggested the application cycle be revisited for subsequent rounds.
- e. The PDR time line was discussed, with the following outline of progression:
  - i. Landowner's Application is received
  - ii. Zoning's Determination of Number of Development Rights is completed.
  - iii. Purchase of Development Rights Committee recommendation is submitted to the Board of Supervisors for Approval

- iv. Board of Supervisor's Action
- v. Landowner's Commitment Letter is signed
- vi. Title Work is ordered.
- vii. Closing is Scheduled and held.

6. PDR Legal Impact Seminar for Landowners

- a. It was discussed and decided that the best time for holding a seminar for prospective applicants to discuss tax consequences and opportunities would be the post-tax season (after April 15<sup>th</sup>) to allow guest speakers (especially an accountant and lawyer) to be present. Keith Dickinson suggested that this be incorporated into an estate planning workshop.

7. E-Notification

- a. The new e-Notification system was reviewed. Committee members were encouraged to use the system to receive updated notices about the PDR Program. Notices and copies of Agendas and Minutes will continue to be sent regular mail as well.

8. Revised Eligibility Criteria and Ranking Criteria

- a. Will be considered by BOS on Thursday, February 10th meeting.

9. PDR Easement Commemorative Signs

- a. Details about a commemorative sign to be given to landowners whose land has been preserved through the PDR Program was discussed with the following decisions made:
  - i. Size is to be 12" X 12" square (rotated to form a diamond) which is within Zoning allowance for commemorative signs.
  - ii. Material is to be lightweight metal; white background with green lettering and logo.
  - iii. Text is to read "This property permanently protected through Fauquier County's PDR Program" or similar text.
  - iv. Cost is kept to a minimum (approximately \$15.00 per sign) by using quote from a local company that has material precut to our specifications.
- b. Leslie Grayson moved that 25 commemorative signs be purchased. Ike Broadus seconded and the motion carried.

10. Next Meeting Date, Time and Place

- a. The next meeting of the PDR Committee is to be at 9:00 AM on Tuesday, April 12, 2005.

11. Possibility of State funding for PDR

- a. HB 1684 offered by Delegate Lewis which would provide some of the deed recordation tax back to the County for the PDR Program. HB 1684 has been assigned to the Appropriations Subcommittee for review. Since then there have been three new budget amendments proposed which

would provide \$15 million to local PDR Programs. They are numbered 99, 382 and 383. Status of the Bill and amendments is currently pending.

12. Reaching Prospective Applicants

- a. It was decided that the best advertisement for the program is accounts of applicants who have actually applied and received payment through the program.
- b. The minimum of 50 acres (minimum size of farm for applicants) means there are approximately 700 farms eligible in the county with about 200 of those being at least 200 acres. These numbers would make a door to door or person to person campaign impractical
- c. Possibly doing a direct mailing campaign was discussed. The current form of tax bill would make it impossible to include an informational flyer in with the tax bill (as done in other counties). A separate mailing could be a possibility.

13. Impact of the February issue of Progressive Farmer

- a. This was a brief topic of discussion as Fauquier County was named the top county in a nationwide study of The Best Places to Live in Rural America. Criteria was not of an agricultural basis, however and was from the standpoint of income, population, health care, etc.. The impact to Fauquier County could be escalated pressure to develop farmland, making easement programs increasingly important in order to keep Fauquier County rural.

14. Adjourn

- a. There being no further business, the meeting was adjourned at 10:05.